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Federal Communications Commission
Office of the Secretary

ShipCom LLC
Rene Stiegler
7700 Rinla Avenue
Mobile, AL 36619

Scot Stone, Deputy Chief
Mobility Division
Wireless Telecommunications Bureau
Federal Communications Commission
Washington, D.C. 20554

November 06, 2009

RE: ShipCom Request for Waiver § 80.123 of the Commission's Rules to
Provide Essential HF Communications Capabilities to First Responders
During Catastrophic Situations

Dear Mr. Stone:

ShipCom, LLC respectfully requests a waiver of Section 80.123 of the Commission's rules and regulations in order to enhance the communications capabilities of First Responders during catastrophic situations by allowing certain land based, base and mobile facilities used by First Responders to transmit on HF frequencies licensed to, and under the control of, ShipCom pursuant to its Public Coast station licenses.

ShipCom LLC owns and operates Maritime Public Coast Stations WLO, WCL, KLB, and KNN. ShipCom's flagship station, WLO in Mobile, Alabama, has been providing continuous service to the Maritime Community for more than 60 years. As part of its services, ShipCom maintains a watch on certain HF voice and data frequencies 24 hours a day, seven day per week. ShipCom believes it is unique in that it is the only Public Coast Station in the United States that provides a 24 hour watch on both voice and data HF frequencies. ShipCom is unaware of any such operation in the Part 90 HF bands that provides 24 hr watch keeping from geographically diverse locations that could be used by First Responders as a fail safe communications resource.

ShipCom stations have proven to be an invaluable asset during natural and man-made disasters because of the unique ability of HF communications to cover both long distance and local communications requirements. ShipCom facilities were used extensively during Hurricane Katrina as the only communications link to parts of the affected area.

ShipCom has received requests from certain First Responder agencies to provide an emergency watch keeping service on HF frequencies that would enable these agencies to make contact with the "outside world" in the event of a catastrophe that renders the normal communications infrastructure (public telephone network, Internet, cell phones) inoperable.

ShipCom's HF/MF frequencies are licensed under part 80 of the Commission's rules and regulations and as such are restricted, for the most part, from communicating with land based stations. ShipCom believes that under current rules, if a situation exists in which loss of life or property is eminent, any person may use any radio frequency at their disposal to effect distress

communication. However, for any system to be effective there must be a means by which the system can be periodically tested. Personnel must also be familiar with how to operate the equipment necessary for communication. Current part 80 regulations do provide for periodic testing from Ship Stations.

Section 80.123 of the rules provides for service to stations on land by VHF Public Coast stations. ShipCom would request similar authority to provide service to stations on land, pursuant to specific limitations, from ShipCom's licensed HF Public Coast Stations. The specific limitations would be that communications are only authorized in (i) emergency situations and (ii) for incidental periodic test and training necessary to assure that this capability will be available and functional when it is needed. With one exception, all service to stations on land would be in accordance with the requirements of § 80.123. The one exception is the antenna height limitation imposed by § 80.123(e), limiting antenna height to 6.1 meters above ground level. It is understandable why the antenna height limitation is imposed on VHF communications. Because of the characteristics of HF communications, however, and the requirement to communicate over long distances by emergency communications systems, ShipCom respectfully requests that no limit be put on antenna height for these types of emergency HF communications. In accordance with § 80.123, ShipCom would of course have control over the subject communications and assure that these communications would be on a non-interference basis with, and secondary to, ShipCom's routine maritime communications activity.

ShipCom believes that under this approach ShipCom would have the authority to terminate a user's frequency usage privileges if in the opinion of ShipCom or the Commission, that the usage of the frequencies are not congruent with the spirit and intent of this waiver. Since ShipCom is the licensee, and as such directs traffic on its frequencies, ShipCom can assure that maritime communications would have priority and any communications conducted would be on a secondary and non-interference basis to maritime traffic. In the event a non-maritime station transmitted on a frequency on which maritime communication was being conducted, the ShipCom operators could inform the transmitting station to cease or stand by or to change frequencies until the maritime communication has been concluded.

ShipCom does not envision any routine use of its' Maritime frequencies under this waiver request by non-maritime stations. Communication would be limited to emergency communication and to incidental periodic test and training communication necessary to assure that this asset will be available when it is needed. The availability of 24 hour back-up communications on guarded HF frequencies for First Responders in emergency situations greatly enhances First Responder communications capabilities and provides a vital communications link essential to protect the safety of life and property.

Based on the foregoing information, ShipCom believes this request meets the requirements of § 1.925 of the Commission's rules for granting a waiver. Accordingly, the Commission is respectfully requested to grant the waiver requested.

Respectfully submitted,
SHIPCOM, LLC

By: 

Rene Stiegler, President

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RE: ShipCom Request for Waiver § 80.123 of the Commission's Rules to
Provide Essential HF Communications Capabilities to First Responders
During Catastrophic Situations; Supplemental Information

Dear Mr. Stone:

This is to respond to your e-mail of November 9, 2009, and to provide supplemental information to our original waiver request filed on November 6, 2009. You had requested information on two issues: (1) what specific public safety agencies were interested in utilizing ShipCom's HF frequencies and facilities; and, (2) how often was it necessary to conduct testing/training.

With regard to the public safety agencies interested in utilizing the HF capability, the first agency that has contacted us is the Fire Department of Troy, Michigan. Since utilizing ShipCom's authorized HF frequencies is a new concept, ShipCom does not know which agencies or how many agencies would avail themselves of this service. ShipCom understands the concerns of the Commission for potential abuse of this waiver. Therefore, to solve this problem, ShipCom proposes that it notify the Commission when ShipCom issues an authorization to use the ShipCom frequencies as explained in the Waiver request.

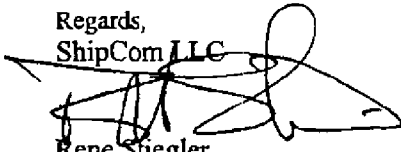
If the Commission for whatever reason deems this authorization to violate the spirit and intent of this waiver, the Commission would notify ShipCom and ShipCom would revoke the authorization. If the Commission sends no such notification this would mean that the authorization is acceptable. ShipCom believes this would reduce the complexity of granting the authorization while still providing for regulatory oversight and allowing public safety agencies to utilize ShipCom's HF frequencies in a timely fashion.

It is highly probable that in the event of a catastrophic situation, some agencies may wish to use this service on very short notice. Therefore ShipCom proposes to advise the Commission by electronic means (email or FAX if such service is available) of each authorization issued as opposed to sending authorization notifications via postal mail service.

Turning to the second issue of periodic testing /training, ShipCom believes that monthly testing / training for each public safety agency would be adequate for the purposes proposed.

ShipCom would also like to inform the Commission that it has discussed the proposed waiver with the United States Coast Guard and the Coast Guard indicated it could support this proposal.

Regards,
ShipCom LLC


Rene Stiegler
President